

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES A. SOWELL,
Plaintiff,

v.

LEVEL VALLEY CREAMERY, INC.,
Defendant.

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NO. 3:03-0083
JUDGE HAYNES


ORDER

In accordance with the Memorandum filed herewith, the Defendant's motion for summary judgment (Docket Entry No. 72) is **GRANTED**; the Defendant's motions to dismiss (Docket Entry No. 92 and 136) are **GRANTED**; and the Defendant's motion for sanctions (Docket Entry No. 108) is **GRANTED**. Accordingly, this action is **DISMISSED with prejudice**. The Court **AWARDS** the Defendant \$990.75 in costs and \$967.50 in attorney fees incurred as a result of Plaintiff's failure to appear at his properly noticed deposition.

This is the Final Order in this action. Any appeal of this Order would not be in good faith as required by 28 U.S.C. §1915(a)(3).

It is so ORDERED.

ENTERED this the 30th day of August, 2006.


William J. Haynes, Jr.
United States District Judge